

LAMONICA HERBST & MANISCALCO, LLP

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February 5, 2020

By ECF & E-Mail

Honorable James L. Garrity, Jr.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408
Garrity.chambers@nysb.uscourts.gov

*** See Memorandum Endorsed Order on next page.

**Re: Penny Ann Bradley
Chapter 11
Case No. 18-10122 (JLG)**

Dear Judge Garrity:

This firm is special counsel to Penny Ann Bradley (the “Debtor”). As previously stated in the January 3, 2020 letter, the Debtor is pleased to report that a resolution of the claims of Lewis H. Berman LLC (“Berman”) has occurred and the Debtor is in the process of preparing a Stipulation, which will be filed with the Court for approval. At this time, the Debtor is waiting for comments from Berman’s counsel on the Stipulation.

The following matters are currently scheduled for a hearing on February 12, 2020:

- (i) Case Status Conference;
- (ii) The Motion of NSM82 LLC to Appoint a Chapter 11 Trustee Pursuant to 11 U.S.C. § 1104(a) [Dkt. No. 131] (the “NSM Motion”);
- (iii) The Motion of Lewis H. Berman LLC to Appoint a Chapter 11 Trustee Pursuant to 11 U.S.C. § 1104(a) [Dkt. No. 167] (the “Berman Motion”);
- (iv) The Debtor’s Objection to Proof of Claim Number 3 Filed by Atlas Union Corp. (“Atlas”) [Dkt. No. 172] (the “Atlas Claim Objection”);
- (v) The Debtor’s Objection to Proof of Claim Number 6 Filed by Russell and Lydia Pollack (the “Pollacks”) [Dkt. No 183] (the “Pollack Claim Objection”); and
- (vi) The United States Trustee’s (the “UST”) Motion to Convert This Case to a Case Under Chapter 7 [Dkt. No. 185] (the “UST Motion”).

As a result of the Berman resolution, the Debtor and Berman request that the Berman Motion be adjourned.

Discussions have been ongoing with the UST and the Debtor and the UST request that the UST Motion be adjourned as well.

The Debtor is fairly close to resolving claims with Pollack and the parties thereto would request that the Pollack Claim Objection be adjourned as well.

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Atlas and NSM 82, LLC has agreed to adjourn the NSM Motion.

Atlas has not agreed to adjourn the Atlas Claim Objection.

In view of the above, the Debtor would request that the Case Status Conference also be adjourned. Therefore, all matters in the Debtor's case would be adjourned except for the Atlas Claim Objection.

In looking at the Court's calendar and discussing available dates for the parties involved, depending on the Court's availability, the Debtor and the parties, except for Atlas, would request that the matters be adjourned to April 1, 2020 @ 10:30 a.m.

Thank you for your consideration.

Respectfully submitted,
s/ Joseph S. Maniscalco
Joseph S. Maniscalco

cc: Nolan E. Shanahan, Esq; Jacob S. Frumkin, Esq.;
Daniel S. Alter, Esq.; Serene K. Nakano, Esq.;
Kenneth Baum, Esq.; David Hartheimer, Esq.;
Richard Levy, Esq.; Sandy Mayerson, Esq.;
Marion R. Harris, Esq.

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Memorandum Endorsed Order:

The Court having considered the status letter filed Joseph S. Maniscalco, Debtor's Counsel, dated February 5, 2020, requesting an adjournment of all matters in the Debtor's case except for the Atlas Claim Objection to April 1, 2020 at 10:30am (EST) (ECF 237), the status letter filed by, Daniel S. Alter, Debtor's Counsel, dated February 5, 2020, advising the Court of the United States Trustee's consent to the requested adjournment (ECF 238), and the status letter filed by Nolan E. Shanahan, on behalf of Atlas Union Corp, dated February 5, 2020, advising the Court that it does not consent to an adjournment of the NSM Motion, to which it has joined, or the Status Conference; but in the event the Court is inclined to adjourn any matter scheduled for February 12, 2020 without Atlas' consent, its request that the Court adjourn all matters to the Court's first available date thereafter (ECF 239);

The Court hereby orders that all matters scheduled for hearing on February 12, 2020 are adjourned to April 1, 2020 at 10:00am (EST). Debtor's counsel shall file with the Court (and deliver two single-sided copies to Chambers) a Status Report on or before March 25, 2020 at 4:00pm (EST).

Dated: February 10, 2020
New York, NY

/s/ James L. Garrity, Jr.
Honorable James L. Garrity Jr.
United States Bankruptcy Judge